



## **CITY OF DURHAM**

**Office of Economic and Workforce Development  
101 City Hall Plaza  
First Floor  
Durham, North Carolina 27701**

### **Request for Proposals Arts and Business Initiative RFP**

**Date of Issue: April 4, 2007**

**Purpose of RFP:** The Office of Economic and Workforce Development is soliciting proposals for qualified agencies to create a Durham chapter of the Arts and Business Council, or a comparable local organization to improve and expand opportunities for cooperation between the business and cultural sectors in Durham County.

**Offerors are not required to return this form.**

Peter Coyle	<i><b>Project Manager Name</b></i>
Cultural Master Plan Project Manager	<i><b>Project Manager Title</b></i>
Office of Economic & Workforce Dev.	<i><b>Project Manager Department</b></i>
919-560-4965	<i><b>Project Manager Telephone Number</b></i>
peter.coyle@durhamnc.gov	<i><b>Project Manager E-mail</b></i>

# **SECTION ONE**

## **INTRODUCTION AND INSTRUCTIONS**

### **1.01**

#### **Return Mailing Address, Contact Person, Telephone & Fax Numbers, Deadline for Receipt of Proposals**

Offerors must submit 7 copies of their proposals, in writing, to:

**Office of Economic and Workforce Development**

Attention: ***Peter Coyle***

Project Name: Arts and Business Initiative

***101 City Hall Plaza, First Floor***

***DURHAM, NC 27701***

Proposals must be received no later than 12:00 noon on May 15, 2007.

Delays caused by any delivery service, including the U.S. Postal Service will not be grounds for an extension of the proposal due date and/or time. Any proposals received after that time will be returned unopened. Faxed proposals are not acceptable.



Any responder's failure to submit their proposal before the deadline will cause their response to be disqualified. Late responses or amendments will not be opened or accepted for evaluation. All other questions regarding this RFP may be submitted prior to the pre-proposal conference by fax or e-mail only to the contact listed below:

Peter Coyle, Cultural Master Plan Project Manager  
Office of Economic and Workforce Development  
101 City Hall Plaza  
Durham, NC 27701  
Telephone: (919) 560-4965  
Fax: (919) 560-4986  
e-mail: peter.coyle@durhamnc.gov

The project coordinator will distribute all questions and answers to those respondents who have requested RFP's from the City. Questions that arise following the RFP pre-proposal conference may be similarly faxed or emailed, and the coordinator will distribute the questions and answers to all known respondents.

No other City official or employee is empowered to speak for the City with respect to this RFP. Respondents, who seek to obtain information, clarification, or interpretation from another City official or employee, are advised that such material is used at the Contractor's own risk, and that the City will not be bound by any such representations.

## 1.02

### Contract Term & Work Schedule

The contract term and work schedule set out herein represent the City's best estimate of the schedule that will be followed. If a component of this schedule, such as the opening date, is delayed, the rest of the schedule will be shifted by the same number of days.

The approximate contract schedule is as follows:

[a] Issue RFP	<b>April 4, 2007</b>
[b] Pre-bid conferences	<b>April 24, 2007, 3:00pm Planning Conference Room B, City Hall, 101 City Hall Plaza, Basement Level</b>
[c] Receive Proposals	<b>May 15, 12:00pm</b>
[d] Evaluation Committee selection made	<b>May 23, 2007</b>
[e] Board of County Commissioners approval	<b>June 8, 2007</b>
[f] City Council Contract Approval	<b>June, 2007</b>
[g] Contract begins	<b>July, 2007</b>

## 1.03

### Purpose of the Request for proposals (RFP)

*The City of Durham seeks qualified organizations, agencies and firms for the provision of the following service:*

The Office of Economic and Workforce Development invites qualified firms, not-for-profit agencies and educational institutions to propose projects to establish a Durham organization to provide a structured system for involvement of the business community with local arts and cultural organizations.

In 2004, the City and County of Durham received a report for the Cultural Master Plan Advisory Group, with a series of recommendations to improve the arts and cultural opportunities in Durham and to use the arts and culture as a stimulus for economic development. The report recognized the need to increase business involvement in the arts, through the creation of a local chapter of the Arts and Business Council, a national program of Americans for the Arts, or through a local organizational structure of comparable purpose.

The City and County jointly established a Cultural Master Plan Advisory Board (CMPAB) in 2005, with administrative responsibility for the Plan placed in the Office of Economic and Workforce Development, a City department. The CMPAB has recommended that \$40,000 of its funds be set aside to support a business initiative. Under the terms of the Interlocal Agreement

between the City and County, the Board of County Commissioners approved this recommendation. Funding is available for support of research, start-up costs and first year operations.

## **1.04**

### **Budget**

The Project Manager estimates a budget allowance up to \$40,000 within a single project.

## **1.05**

### **Location of Work**

The location(s) the work is to be performed is Durham County, North Carolina.

The City can assist in the provision of public meeting space as needed. The contractor must provide its own workspace.

## **1.06**

### **Notice under the Americans with Disabilities Act (ADA).**

The City of Durham will not discriminate against qualified individuals with disabilities on the basis of disability in the City's services, programs, or activities. The City will generally, upon request, provide appropriate aids and services leading to effective communication for qualified persons with disabilities so they can participate equally in the City's programs, services, and activities. The City will make all reasonable modifications to policies and programs to ensure that people with disabilities have an equal opportunity to enjoy all City programs, services, and activities. Anyone who requires an auxiliary aid or service for effective communications, or a modification of policies or procedures to participate in the City program, service, or activity, should contact the office of Stacey Poston, Acting ADA Coordinator, Voice: 919-560-4197 x254, TTY: 919-560-4809; [stacey.poston@durhamnc.gov](mailto:stacey.poston@durhamnc.gov), as soon as possible but **no later than 48 hours** before the scheduled event

## **1.07**

### **Right of Rejection**

The City of Durham reserves the right to reject any or all responses.

## **1.08**

### **City of Durham Not Responsible for Preparation Costs**

The City of Durham will not pay any cost associated with the preparation, submittal, presentation, or evaluation of any qualifications or statement of qualifications.

## **1.09**

### **Disclosure of Proposal Contents**

All proposals and other material submitted become the property of the City of Durham. All information, including detailed price and cost information, will be held in confidence during the

evaluation process and before the contract award is issued. Thereafter, proposals will become public information.

## **1.10**

### **Subcontractors**

Subcontractors will be allowed.

## **1.11**

### **Joint Ventures**

Joint ventures are acceptable. If submitting a proposal as a joint venture, the offeror must submit a copy of the joint venture agreement, which identifies the principles involved, and their rights and responsibilities regarding performance and payment.

## **1.12**

### **Right to Inspect Place of Business**

At reasonable times, the City of Durham may inspect those areas of the contractor's place of business that are related to the performance of a contract. If the City makes such an inspection, the contractor must provide reasonable assistance.

## **1.13**

### **Solicitation Advertising**

This solicitation has been advertised on the City's internet site at:

[www.durhamnc.gov/departments/purchasing/bids.cfm](http://www.durhamnc.gov/departments/purchasing/bids.cfm)

and on the Cultural Master Plan/OEWD web page at [www.durhamculture.org](http://www.durhamculture.org)

## **1.14**

### **News Releases**

News releases related to this RFP will not be made without prior approval of the Public Affairs Division, and then only in coordination with the Project Manager.

## **1.15**

### **Assignment**

The contractor may not transfer or assign any portion of the contract.

## **1.16**

### **Equal Business Opportunity Program Ordinance**

It is the policy of the City to provide equal opportunities for City contracting for small firms owned by socially and economically disadvantaged persons doing business in the City's

Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct present effects of past discrimination and to resolve complaints of discrimination. This policy applies to all professional services categories.

While there are no SDBE participation goals for this project, in accordance with the Ordinance, all contractors are required to provide information requested in the “SDBE Professional Services Forms” package, which has been included with this Request for Proposals. **Proposals that do not contain the appropriate, completed “Professional Services Forms” will be deemed non-responsive and ineligible for consideration.** The “Declaration of Performance,” “Participation Documentation,” Managerial Profile,” “Equal Opportunity Statement” and the “Employee Breakdown” documents are required of all contractors. In lieu of “Employee Breakdown,” contractors may submit a copy of the current EEO-1 form (corporate basis). Other forms in the package should be used as needed.

The Department of Equal Opportunity/Equity Assurance is responsible for the Equal Business Opportunity Program. All questions about “SDBE Professional Services Forms” should be referred to Deborah Giles or other department staff at (919) 560- 4180.

## **SECTION TWO STANDARD INFORMATION**

### **2.01**

#### **Discussions with Responders**

The City may conduct discussions with responders for the purpose of clarification. The purpose of these discussions will be to ensure full understanding of the requirements of the RFP.

Discussions will be limited to specific sections of the RFP identified by the procurement officer.

The Project Manager will only hold discussions with responders who have submitted a response deemed reasonably susceptible for award. Discussions, if held, will be after initial evaluation of qualifications by the review committee. Following discussions, the Project Manager may set a time for “best and final” submissions from those responder’s with whom discussions were held.

Responses may be reevaluated after receipt of “best and final” submissions.

Responder’s with a disability needing accommodation should contact the Project Manager before the date set for discussions so that reasonable accommodation can be made.

### **2.02**

#### **Prior Experience**

In order for their offers to be considered responsive, offerors must meet these minimum prior experience requirements:

- A minimum of five years demonstrated experience in the administration of volunteer organizations.
- A minimum of five years demonstrated experience in cooperative activities with the local business and arts communities.
- 

An offeror's failure to meet these minimum prior experience requirements will cause their qualifications to be considered non-responsive and their response **will be rejected**.

### **2.03**

#### **Evaluation of Proposals**

The City will use an evaluation committee to evaluate all proposals. The evaluation will be based on the relevant experience, qualifications, education, and capabilities of the responding party including project methodology, as well as consideration for clients served.

### **2.04**

#### **City of Durham Business License & Other Required Licenses**

All organizations doing business with the City of Durham are required to comply with all state, local and federal licensing requirements. This includes obtaining a City of Durham business privilege license (if applicable). Firms selected through the RFP process will be required to

demonstrate compliance with licensing requirements. All responding firms that are not currently licensed must provide proof of application for licenser and must obtain all necessary licenses before entering into a contractual agreement with the City of Durham. To obtain a Privilege License, call (919) 560-4700.

## **2.05**

### **Contract Negotiations**

After completion of the evaluation, including any discussions held with responder's during the evaluation, the City may elect to initiate contract negotiations. The option of whether or not to initiate contract negotiations rests solely with the City. If the City elects to initiate contract negotiations, these negotiations cannot involve changes in the City's requirements or the contractor's qualifications, which would, by their nature, affect the basis of the source selection and the competition previously conducted. If contract negotiations are commenced, they will be held at a location to be determined in the City of Durham North Carolina.

The responder will be responsible for their travel and per diem expenses.

## **2.06**

### **Failure to Negotiate**

If the selected contractor

- fails to provide the information required to begin negotiations in a timely manner; or
- fails to negotiate in good faith; or
- indicates they cannot perform the contract within the budgeted funds available for the project; or
- the contractor and the City, after a good faith effort, simply cannot come to terms,

the City may terminate negotiations with the contractor initially selected and commence negotiations with the next highest ranked responder.



## **SECTION THREE**

### **STANDARD CONTRACT INFORMATION**

#### **3.01**

##### **Insurance Requirements**

Contractor shall submit a certificate showing existing general liability, auto liability, and workers' compensation insurance. The selected contractor will be required to provide insurance based on a risk assessment of the final contract. Proposals should include the cost of existing insurance. If Contractor has some or none of this insurance, the proposal shall so state, however, the selected contractor ultimately must be able to meet the insurance requirements in the final contract.

#### **3.02**

##### **Proposed Payment Procedures**

The City will make payments based on a negotiated payment schedule. Each billing must consist of an invoice and progress report. No payment will be made until the project manager has approved the progress report and invoice.

#### **3.03**

##### **Contract Payment**

No payment will be made until the contract has been fully executed by all parties. Payment will not be made for services performed or expenses incurred prior to the date of contract execution. Under no conditions will the City be liable for the payment of any interest charges associated with the cost of the contract.

#### **3.04**

##### **Non-Discrimination Clause**

The City of Durham opposes discrimination on the basis of race and sex and urges all of its contractors to provide a fair opportunity for minorities and women to participate in their work force and as subcontractors and vendors under city contracts.

#### **3.05**

##### **EEO Provisions**

During the performance of this Contract the Contractor agrees as follows:

- a. The Contractor shall not discriminate against any employee or applicant or employment because of race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. The Contractor shall take affirmative action to insure that

- applicants are employed and that employees are treated equally during employment, without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap. Such action shall include but not be limited to the following: employment, upgrading, demotion, transfer, recruitment or advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship. The Contractor shall post in conspicuous places, available to employees and applicants for employment, notices setting forth these provisions.
- b. The Contractor shall in all solicitations or advertisements for employees placed by or on behalf of the Contractor, state that all qualified applicants will receive consideration for employment without regard to race, color, religion, sex, national origin, political affiliation or belief, age, or handicap.
  - c. The Contractor shall send a copy of the EEO provisions to each labor union or representative of workers with which it has a collective bargaining agreement or other contract or understanding.
  - d. In the event of the Contractor's noncompliance with these EEO provisions, the City may cancel, terminate, or suspend this contract, in whole or in part, and the City may declare the Contractor ineligible for further City contracts.

Unless exempted by the City Council of the City of Durham, the Contractor shall include these EEO provisions in every purchase order for goods to be used in performing this contract and in every subcontract related to this contract so that these EEO provisions will be binding upon such subcontractors and vendors.

## **SECTION FOUR**

### **N/A**

## **SECTION FIVE**

### **SCOPE OF WORK**

#### **5.01**

##### **Scope of Work**

The Durham Cultural Master Plan calls for the exploration of options for establishing a chapter of the Arts and Business Council in Durham, or for a local organization of similar purpose. The Cultural Master Plan report of August, 2004 states:

There are a number of arts and culturally-oriented national service and advocacy organizations that provide services through local chapters. In particular, the Arts and Business Council Inc. works to “keep the arts in business” by promoting mutually beneficial partnerships between corporations and nonprofit cultural groups. The Council brings expertise, resources, and leadership talent from the business world to the arts community through meaningful volunteer opportunities for employees, improved access to arts resources, and the opportunity to be part of a community enhanced by the presence of a vibrant arts sector.

Working through the auspices of the local organizational sponsor, a BVA chapter can provide a range of valuable services for local nonprofit organizations, especially those smaller and culturally specific groups that are most in need such assistance. Equally important, by engaging the business sector in a structured way, it lays the groundwork for important information sharing and advocacy work. Using such programs as an annual arts leadership conference and local “business arts supporter of the year” awards, BVA engages and educates civic leaders in the value of arts and culture.

Among the key objectives of such a chapter should be a focus on leadership training. While there are existing programs that have an arts and culture component, they would be well-served to be reviewed and strengthened. Such an initiative could build awareness among emerging civic leaders of the range of cultural assets in Durham and encourage more active involvement with cultural organizations.

The Report recommends that the Durham Arts Council or other civic organization be the lead partner in this initiative.

The Arts and Business Council is now a program of Americans for the Arts Inc., a national arts advocacy and resource organization. Responders are encouraged to review the Americans for the Arts web site section concerning the Arts and Business Council/Business Volunteers for the Arts. The web site states:

Many affiliates also use the BVA program to build an organization with a larger mission to promote arts and business partnerships within their community, and these affiliates adopt the name Arts and Business Council of [name of city]. Some of the related programs that are operated include annual awards ceremonies recognizing arts and business partnerships, arts management excellence, and corporate arts volunteerism; management workshops and seminars; forums on arts policy issues; cultural tourism initiatives; and research.

Affiliates can have a range of different management structures. Some are housed within chambers of commerce, some within local arts councils or other nonprofit arts service providers, and the remainder are independent 501c organizations.

Funding of up to \$40,000 is available from Cultural Master Plan funds to support the creation of a local Arts and Business Council or a comparable organization. Funding will support research, staffing, national organization affiliation fees, office supplies and expenses, possible travel, member recruitment and other activities relevant to the start up and first year operation of the new organization. A plan outlining a funding stream for future operations of the organization and program after the first year, through a proposed source of subsidy, dues, earned income or other sources will be developed through the planning process. Officers and members of a leadership team/board will be identified and recruited.

## **5.02**

### **Deliverables**

The contractor will be required to provide the following deliverables:

1. Creation of a planning process for the establishment of a chapter of the Arts and Business Council or a comparable local organization.
2. Creation of a budget for first year operations of the Council.
3. Creation of a proposed funding mechanism for future years.
4. Recruitment of membership and a leadership team.
5. Establishment of the organization and local organizational goals and objectives.

## **SECTION SIX**

### **STATEMENT OF QUALIFICATIONS FORMAT AND CONTENT**

#### **6.01**

##### **Format and Content**

The City discourages overly lengthy and costly responses; however, in order for the City to evaluate qualifications fairly and completely, responders should follow the format set out herein and provide all of the information requested.

#### **6.02**

##### **Introduction**

Responders must include the complete name and address of their agency, not-for-profit organization firm and the name, mailing address, and telephone number of the person the City should contact regarding the statement of qualifications.

#### **6.03**

##### **Understanding of the Project**

Responders must provide a comprehensive narrative statement that illustrates their understanding of the requirements of the project and the project schedule.

#### **6.04**

##### **Methodology Used for the Project**

Responders must provide a comprehensive narrative Statement that sets out the methodology they intend to employ and illustrates how their methodology will serve to accomplish the work and meet the City's project schedule.

#### **6.05**

##### **Experience and Qualifications**

The City of Durham is looking for experienced professionals with a background in the administration of nonprofit management and organizational planning. Typically these individuals have related experience in the fields of volunteer training, and financial planning.

Respondents should submit a curriculum vitae (CV) for each member of the proposed team focusing on relevant experience regarding the scope of the RFP.

#### **6.06**

##### **Fees**

Qualifications must include an itemized list of all direct and indirect costs associated with the performance of this contract including, but not limited to, total number of hours at various hourly rates, direct expenses, payroll, supplies, overhead assigned to each person working on the project, percentage of each person's time devoted to the project, and profit.

# **SECTION SEVEN**

## **EVALUATION CRITERIA AND CONTRACTOR SELECTION**

**THE TOTAL NUMBER OF POINTS USED  
TO SCORE THIS CONTRACT IS 100**

### **7.01**

#### **Understanding of the Project—30%**

Qualifications will be evaluated against the questions set out below.

- [a] How well has the responder demonstrated a thorough understanding of the purpose and scope of the project?
- [b] How well has the responder identified pertinent issues and potential problems related to the project?
- [c] How well has the responder demonstrated that it understands the deliverables the City expects it to provide?
- [d] How well has the responder demonstrated that it understands the City's time schedule and can meet it?
- [e] Adherence to the City's SDBE program.

### **7.02**

#### **Methodology Used for the Project—40%**

Qualifications will be evaluated against the questions set out below.

- [a] How well does the methodology depict a logical approach to fulfilling the requirements of the RFP?
- [b] How well does the methodology match and contribute to achieving the objectives set out in the RFP?
- [c] How well does the methodology interface with the time schedule in the RFP?

### **7.03**

#### **Experience and Qualifications—30%**

Qualifications will be evaluated against the questions set out below.

*Questions regarding the personnel.*

- [a] Do the individuals assigned to the project have experience on similar projects?
- [b] Are resumes complete and do they demonstrate backgrounds that would be desirable for individuals engaged in the work the project requires?
- [c] How extensive is the applicable education and experience of the personnel designated to work on the project?

*Questions regarding the offeror (agency/not-for-profit organization/firm):*

- [d] How well has the offeror demonstrated experience in completing similar projects on time and within budget?
- [e] How successful is the general history of the offeror regarding timely and successful completion of projects?
- [f] How reasonable are the offeror's cost estimates?
- [g] If a subcontractor will perform work on the contract, how well do they measure up to the evaluation used for the offeror?



## **8.01**

### **Equal Business Opportunity Ordinance**

#### **CITY OF DURHAM**

#### **SMALL DISADVANTAGED BUSINESS ENTERPRISE**

#### **PROFESSIONAL SERVICES FORM**



#### **Equal Opportunity/ Equity Assurance Department**

**Mailing Address:**

101 City Hall Plaza  
Durham, North Carolina 27701

**Street Address:**

211 Rigsbee Avenue  
Durham, North Carolina 27701

**Phone:** (919) 560-4180

**Facsimile:** (919) 560-4513

## **CITY OF DURHAM EQUAL BUSINESS OPPORTUNITY PROGRAM**

### **Policy Statement**

It is the policy of the City to provide equal opportunities for City contracting to small firms owned by socially and economically disadvantaged persons doing business in the City's Contracting Marketplace. It is further the policy of the City to prohibit discrimination against any firm in pursuit of these opportunities, to conduct its contracting activities so as to prevent such discrimination, to correct the present effects of past discrimination and to resolve complaints of discrimination.

### **Goals**

To increase the dollar value of all City contracts for goods and services awarded to small disadvantaged business enterprises, it is a desire of the City that the contractor will voluntarily undertake efforts to increase the participation of socially and economically disadvantaged individuals at higher skill and responsibility levels within non-minority firms engaged in contracting and subcontracting with the City.

The Equal Opportunity/Equity Assurance Director shall establish project specific goals for each project or contract based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

## **Equal Business Opportunity Ordinance SDBE Participation Documentation**

If applicable information is not submitted with your proposal, your proposal will be deemed non-responsive.

**Declaration of Performance** must be completed and submitted with your proposal.

**SDBE Participation Documentation** must be used to document participation of Small Disadvantaged Business Enterprise (SDBE) on Professional Services projects. All SDBEs must be certified by the City of Durham's Equal Opportunity/Equity Assurance Department prior to submission date. If a business listed has not been certified, the amount of participation will be reduced from the total utilization.

**Managerial Profile** must be used to list the managerial persons in your workforce who will be participating in this project.

**Equal Employment Opportunity Statement** for your company must be completed and submitted with your proposal.

**Employee Breakdown** must be completed and submitted for the location providing the service/commodity. If the parent company will be involved in providing the service/commodity on the City contract, a consolidated employment breakdown must be submitted.

**Letter of Intent to Perform as a Sub-consultant/Subcontractor** must be completed for SDBEs proposed to perform on a contract. This form must be submitted with the proposal.

### **Post Proposal Submission SDBE Deviation**

Post proposal submission SDBE deviation participation documentation must be used to report and deviation from SDBE participation either prior to or subsequent to startup of the project. The Equal Opportunity/Equity Assurance Department must be notified if the proposed sub-consultant/subcontractor is unable to perform and for what reasons. Substitutions of sub-consultants/subcontractor, both prior to and after awarding of a contract, are subject to City approval.

### **SDBE Goals Not Met/Documentation of Good Faith Efforts**

It is the responsibility of consultants/contractors to make good faith efforts. Good Faith Efforts means the sum total of efforts by a particular business to provide equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors.

Whenever contract alternatives, amendments or extra work orders are made individually or in the aggregate, which increase the total value of the original contract, the consultant must make a good faith effort to increase SDBE participation such that the amounts subcontracted are consistent with the established goals.

# **SELECTION OF CONSULTANTS/CONTRACTORS FOR ARCHITECTURAL/ENGINEERING AND OTHER PROFESSIONAL SERVICES**

## **Goal**

The purpose is to provide Small Disadvantaged Businesses equal opportunities for participation on City of Durham contracts.

## **Definition of the Scope of the Selection Policy**

The Equal Opportunity/Equity Assurance Director shall establish SDBE participation goals for each contract to be awarded by the City. Project specific goals for each project or contract will be based upon the availability of small disadvantaged business enterprises (SDBE's) within the defined scope of work, delineated into percentages of the total value of the work.

## **Small Disadvantaged Business Proposal Requirements**

The prime consultant/contractor shall submit a proposal in accordance with the City of Durham's Request for Proposal. In addition, the prime consultant/contractor must submit all required Professional Services SDBE Forms.

## **Selection Committee for Professional Services**

A selection committee shall be established to be composed of the following: City Manager or a designated representative of this office; Director of Finance or a designated representative of this office; department head responsible for the project; City Engineer if engineering services are involved; the Equal Opportunity/Equity Assurance Director and Purchasing Manager. Other representatives shall be called upon as needed based on their areas of expertise.

The committee shall screen the proposals based on the following criteria:

1. Firms; interest in the project;
2. Current work in progress by firm;
3. Past experience with similar projects;
4. General proposal for carrying out the required work;
5. Designation of key personnel who will handle the project, with resume for each;
6. Proposed associate consultants/contractor, SDBE subconsultants;
7. Indication of capability for handling project;
8. Familiarity with the project;
9. Fees that have been charged for recent comparable projects;
10. References;
11. SDBE Participation; and
12. Documentation of Good Faith efforts.

After ranking the offerors presenting proposals based on the above criteria, interviews will be conducted by the selection committee with the top ranked offerors. The contracting department will make the final recommendation, prepare contracts for review by the City Attorney and County Attorney, and prepare the recommendation for the City Council and Board of County Commissioners including the following:

1. Description and scope of the project;
2. Recommended agencies, not-for-profit organizations or firms;
3. Contract costs;
4. Time limits;
5. Basis for selection;
6. Equal Business Opportunity Ordinance compliance; and
7. Recommendation that the contract be approved by the City Council or City manager, as appropriate, and by the Board of County Commissioners.

### **Contract Award**

*A provision must be written in each contract with an architect or engineer requiring them to work with Equal Opportunity/Equity Assurance Department in creating and identifying separate work.*

### **Project Evaluation**

An evaluation shall be made of each contract after its completion to be used in consideration of future professional services contracts. The evaluation shall cover appropriate items from the check list for ranking applicants. A copy of the evaluation shall be given to the offeror, and any comment he/she cares to make shall be included in the files.

## **DECLARATION OF PERFORMANCE BY CONSULTANT/CONTRACTOR**

Briefly address each of the following items:

1. A brief synopsis of the company/organization/agency and the products/services it provides:
  
2. Describe the normal procedure used on a bid of this type, giving the flow of purchase from the company to the ultimate purchaser:
  
3. List anyone outside of your company with whom you will contract on this bid:

The undersigned consultant/contractor certifies that: (check appropriate box)

- a) \_\_\_\_\_ It is the normal business practice of the consultant/contractor to perform all elements of the contract with its own workforce without the use of subcontractors/vendors; and
  
- b) \_\_\_\_\_ That the above documentation demonstrates this *firm*'s capabilities to perform all elements of the contract with its own work force or without the use of subcontractors/vendors.
  
- c) \_\_\_\_\_ The vendor/contractor will use a subconsultant(s) in the fulfillment of this scope of work.

---

**Date**

**Authorized Signature**

**PARTICIPATION DOCUMENTATION  
(TO BE COMPLETED BY PRIME CONSULTANT/CONTRACTOR ONLY)**

<b>Names of all firms (including prime and sub consultants/ Sub contractors)</b>	<b>Location</b>	<b>SDBE Firm Yes/No</b>	<b>Nature of Participation</b>	<b>% of Project Work</b>

**TOTAL** \_\_\_\_\_

\_\_\_\_\_  
**Name - Authorized Officer of Prime Consultant/Contractor Firm (Print/Type)**

\_\_\_\_\_  
**Signature - Authorized Officer of Prime Consultant/Contractor Firm**

\_\_\_\_\_  
**Date**

## MANAGERIAL PROFILE

Name of Firm: \_\_\_\_\_

Contact Person: \_\_\_\_\_

Title: \_\_\_\_\_

Address: \_\_\_\_\_

Telephone No.: \_\_\_\_\_

Date: \_\_\_\_\_

List the managerial persons in your work force who will be participating in this project, including name, position, and whether the individuals are minority or woman within the definition\* of the City of Durham's Equal Business Opportunity Ordinance.

### Managerial Employees

NAME	POSITION	SOCIALLY/ECONOMICALLY DISADVANTAGED* (YES/NO)

\* M-Minority(African American), W-Woman, Other-H-Hispanic, AI-American Indian, AS-Asian American, Handicapped



**EQUAL OPPORTUNITY STATEMENT**  
(You may submit your organization's EEO policy in lieu of this sheet)

## EMPLOYEE BREAKDOWN

### Part A – Employee Statistics for the Primary Location

#### MALES

#### FEMALES

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

### Part B – Employee Statistics for the Consolidated Company *(See instructions for this form on whether this part is required.)*

#### MALES

#### FEMALES

Employment Category	Total Employees	Total Males	Total Females	White	Black	Hispanic	Asian or Alaskan Islander	Indian or Alaskan Native	White	Black	Hispanic	Asian or Pacific Islander	Indian or Alaskan Native
Project Manger													
Professional													
Labor													
Clerical													
Totals													

EEO-1 Report may be submitted in lieu of this form

### Letter of Intent to Perform as a Sub-Consultant

The undersigned intends to perform work in connection with the above project as a SDBE:

Minority (African American) ☐ Woman ☐ Hispanic ☐

American Indian ☐ Asian American ☐ Handicapped ☐

The SDBE status of the undersigned is certified by the City of Durham as identified by the attached copy of certification or the attached SDBE Contractor Identification List supplied by the EO/EA Department.

The undersigned is prepared to perform the following described work in connection with the above project (specify in detail particular work items or parts thereof to be performed):

You have projected the following commencement date for such work, and the undersigned is projecting completion of such work as follows:

<u>ITEMS</u>	<u>PROJECTED COMMENCEMENT DATE</u>	<u>PROJECTED COMPLETION DATE</u>

The undersigned will subcontract \_\_\_\_\_% of the dollar value of this contract to a SDBE subconsultant/subcontractor and/or non-SDBE subconsultant/subcontractor.

The undersigned will enter into a formal agreement in the amount of \$\_\_\_\_\_ for the above work with you, conditioned upon your execution of a contract with the City of Durham.

Name \_\_\_\_\_ Title \_\_\_\_\_  
Company \_\_\_\_\_ Telephone \_\_\_\_\_  
Address \_\_\_\_\_  
Signature \_\_\_\_\_

## REQUEST TO CHANGE SDBE PARTICIPATION

Project: \_\_\_\_\_  
Name of bidder or consultant: \_\_\_\_\_  
Name and title of representative bidder or consultant: \_\_\_\_\_  
Address (including zip code): \_\_\_\_\_  
Telephone number: \_\_\_\_\_ Fax number: \_\_\_\_\_  
Email address: \_\_\_\_\_  
Total amount of original contract, before any change orders or amendments: \_\_\_\_\_  
Total amount of the contract, including all approved change orders and amendments to date, but not counting the changes proposed in this form: \_\_\_\_\_  
Dollar amount of changes proposed in this form: \_\_\_\_\_  
The proposed change (*check one*)   ☐ **increases**      ☐ **decreases**    the dollar amount of the bidder's/consultant's contract with the City.  
Does the proposed change decrease the SDBE participation? (*check one*)   ☐ **yes**      ☐ **no**

If the answer is **yes**, complete the following:

**BOX A. For the subcontract proposed to be changed (increased, reduced, or eliminated):**

Name of subconsultant: \_\_\_\_\_

Goods and services to be provided before this proposed change: \_\_\_\_\_

Is it proposed to eliminate this subcontract?   ☐ yes    ☐ no

If the subcontract is to be increased or reduced, describe the nature of the change (*such as adding \$5,000 in environmental work and deleting \$7,000 in architectural*):  
\_\_\_\_\_  
\_\_\_\_\_

Dollar amount of this subcontract before this proposed change: \_\_\_\_\_

Dollar amount of this subcontract after this proposed change: \_\_\_\_\_

This subconsultant is (*check one*):

- ☐ 1. City-certified Black-owned SDBE  
☐ 2. City-certified Women-owned SDBE  
3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as  
    3(a) ☐ Black-owned SDBE      3(b) ☐ Women-owned SDBE  
☐ 4. not a City-certified SDBE

**BOX B. Proposed subcontracts other than the subcontract described in Box A above**

Name of subcontractor for the new work: \_\_\_\_\_

Goods and services to be provided by this proposed subcontract: \_\_\_\_\_

Dollar amount proposed of this proposed subcontract: \_\_\_\_\_

This subcontractor is (*check one*):

- ☐ 1. City-certified Black-owned SDBE  
☐ 2. City-certified women-owned SDBE  
3. City-certified SDBE that is neither Black-owned nor women owned, but to be credited as  
    3(a) ☐ Black-owned SDBE      3(b) ☐ Women-owned SDBE  
☐ 4. not a City-certified SDBE

*Add additional sheets as necessary.*

**SDBE GOALS NOT HAVING BEEN MET. The following information must be presented by the consultant concerning good faith efforts taken.**

It is the responsibility of consultants to make good faith efforts. Any act or omission by the City shall not relieve them of this responsibility. For future efforts, it shall be comprised of such efforts which are proposed to allow equitable participation of socially and economically disadvantaged employees and sub-consultants/subcontractors. The City Manager shall apply the following criteria, with due consideration of the quality, quantity, intensity and timeliness of efforts of consultants/contractors, in determining good faith efforts to engage SDBEs along with other criteria that the City Manager deems proper:

Name of Bidder: \_\_\_\_\_

*If you find it helpful, feel free to attach pages to explain your answers. **How many pages is your firm attaching to this questionnaire?** \_\_\_\_\_ (Don't count the 2 pages of this questionnaire.)*

***If a yes or no answer is not appropriate, please explain the facts. All of the answers to these questions relate only to the time before your firm submitted its bid or proposal to the City. In other words, actions that your firm took after it submitted the bid or proposal to the City cannot be mentioned or used in any answers.***

**1. SOLICITING SDBEs.**

(a) Did your firm solicit, through all reasonable and available means, the interest of all SDBEs certified (that is, in the City's database) in the scopes of work of the contract? ☐ **yes** ☐ **no**

(b) In such soliciting, did your firm advertise? ☐ **yes** ☐ **no** Are you attaching copies to this questionnaire, indicating the dates and names of newspaper or other publication for each ad if that information is not already on the ads? ☐ **yes** ☐ **no**

(c) In such soliciting, did your firm send written (including electronic) notices or letters? Are you attaching one or more sample notices or letters? ☐ **yes** ☐ **no**

(d) Did your firm attend the pre-bid conference? ☐ **yes** ☐ **no**

(e) Did your firm provide interested SDBEs with timely, adequate information about the plans, specifications, and requirements of the contract? ☐ **yes** ☐ **no**

(f) Did your firm follow up with SDBEs that showed interest? ☐ **yes** ☐ **no**

(g) With reference to the SDBEs that your firm notified of the type of work to be subcontracted -- Did your firm tell them:

- (i) the specific work your firm was considering for subcontracting? ☐ **yes** ☐ **no**
- (ii) that their interest in the contract is being solicited? ☐ **yes** ☐ **no**
- (iii) how to obtain and inspect the applicable plans and specifications and descriptions of items to be purchased? ☐ **yes** ☐ **no**

**2. BREAKING DOWN THE WORK.**

(a) Did your firm select portions of the work to be performed by SDBEs in order to increase the likelihood that the goals would be reached? ☐ **yes** ☐ **no**

(b) If **yes**, please describe the portions selected. **ANSWER:**

**3. NEGOTIATION.** In your answers to 3, you may omit information regarding SDBEs for which you are providing Form E-105.

(a) What are the names, addresses, and telephone numbers of SDBEs that you contacted?

**ANSWER:**

(b) Describe the information that you provided to the SDBEs regarding the plans and specifications for the work selected for potential subcontracting. **ANSWER:**

(c) Why could your firm not reach agreements with the SDBEs that your firm made contact with? Be specific. **ANSWER:**

**4. ASSISTANCE TO SDBEs ON BONDING, CREDIT, AND INSURANCE.**

(a) Did your firm or the City require any subcontractors to have bonds, lines of credit, or insurance?

☐ **yes** ☐ **no** (Note: In most projects, the City has no such requirement for *subcontractors*.)

(b) If the answer to (a) is **yes**, did your firm make efforts to assist SDBEs to obtain bonds, lines of credit, or insurance? ☐ **yes** ☐ **no** If **yes**, describe your firm's efforts. **ANSWER:**

(c) Did your firm provide alternatives to bonding or insurance for potential subcontractors? ☐ **yes** ☐ **no** If **yes**, describe. **ANSWER:**

**5. GOODS AND SERVICES.** What efforts did your firm make to help interested SDBEs to obtain goods or services relevant to the proposed subcontracting work? **ANSWER:**

**6. USING OTHER SERVICES.**

(a) Did your firm use the services of the City to help solicit SDBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**

(b) Did your firm use the services of available minority/women community organizations, minority and women contractors' groups, government-sponsored minority/women business assistance agencies, and other appropriate organizations to help solicit SDBEs for the work? ☐ **yes** ☐ **no** Please explain. **ANSWER:**